

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections is respectfully requested.

Initially, the Examiner's attention is directed to a "Request For Acknowledgment of Consideration of Listed Reference" submitted concurrently herewith. The Request is effective to request that the Examiner issue a fully-Examiner-initialed copy of the form PTO-1449 filed on June 20, 2003, in order to show consideration of all of the cited references, including the Okada reference (U.S. 6,181,870).

By this amendment claims 1-14 have been amended and the subject matter of original claim 15 is recited in amended claim 12. Accordingly, original claim 15 has been cancelled.

The specification has been reviewed and revised to improve its English grammar and U.S. form. The amendments to the specification have been incorporated into a substitute specification. Attached are two versions of the substitute specification, a marked-up version showing the revisions, as well as a clean version. No new matter has been added.

Claims 1-15 were rejected under 35 U.S.C. §102(e) as being anticipated by Okada et al. (U.S. 6,266,483). Claims 1-15 were also rejected under 35 U.S.C. §102(b) as being anticipated by Tsuga et al. (U.S. 5,691,972). These rejections are clearly inapplicable to amended claims 1-14 for the following reasons.

### **Amended Claims 1-8 are Patentable over Okada**

Amended independent claim 1 recites a data recording apparatus for recording and playing a stream of digital data, the data recording apparatus including in part, (1) a receiver unit operable to receive the stream of encoded digital data; (2) an analyzer operable to detect a change in an attribute of the stream and operable to output detection data containing information which indicates the detection of the change in the attribute of the stream of encoded digital data; (3) a controller operable to generate management information containing (a) the detection data output by the analyzer, (b) time information indicating a time at which the change in the attribute of the stream of encoded digital data was detected, (c) a first entry point, which is defined by the time information, wherein the first entry point is an access point from which the stream of encoded

digital data is operable to begin playing, and (d) a second entry point, which represents a user-defined access point selected from any point within the stream of encoded digital data, from which the stream of encoded digital data is operable to begin playing; (4) a drive operable to record the management information and the stream of digital data to a data storage medium; and (5) an input unit operable to receive a user input by which the user selects the user-defined access point from any point within the stream of encoded digital data from which the stream of encoded digital data is operable to begin playing, and operable to define the second entry point based on the user input and a playback path of the stream of encoded digital data.

Simply stated, the data recording apparatus of claim 1 includes, (1) a first entry point which is an access point from which recorded digital data is operable to begin playing, wherein the first entry point is defined according to time information which represents a time at which a change in the attribute of the stream of encoded digital data was detected; and (2) a second entry point, which represents a user-defined access point selected from any point within the stream of encoded digital data, wherein the second entry point is defined based on the user input by which the user selects a user-defined access point from any point within the stream of encoded digital data and based on the playback path of the stream of encoded digital data.

In contrast to the present invention as recited in amended claim1, Okada teaches an information recording medium, apparatus and method for recording or reproducing data thereof. In particular Okada teaches that management information contains program chain information (see Fig. 10, elements 50 and 70) which defines a playback sequence for data to be played back from the DVD (see col. 7, lines 34-38). The program chain information 50 is automatically generated by the recorder so that all of the objects recorded in the disc will be played, whereas the user-defined program chain information 70 is information which the user can freely define the playback sequence of the objects recorded (see col. 14, line 63 - col. 15, line2). Each of the program chain information 50 and 70 indicates that the objects are to be replayed according to a playback sequence of cells 60, 61, 62, and 63, wherein each of cells 60, 61, 62, and 63 represents a playback section (see col. 8, lines 8-12, and Fig. 10). Further, when the data is replayed, the cell information 60 is read out successively, so that the object specified by the cell is replayed by successively playing portions of the object represented by the playback sections specified by

respective cells (see col. 8, lines 37-42). Accordingly, the program chain information 50 automatically generated by the recorder results in the playing of all the objects recorded in the disc, and the program chain information 70 permits the user to define the playback sequence of each section of a particular object by defining the playback order of cells 60, 61, 62, and 63.

Based on the above discussion, Okada teaches that data can be played back according to an automatically defined or user-defined sequence of the data. However, Okada does not disclose or suggest a second entry point, which represents a user-defined access point selected from *any access point* within the stream of encoded digital data, wherein the second entry point is defined based on the user input by which the user selects a user-defined access point from any point within the stream of encoded digital data and based on the playback path of the stream of encoded digital data. In summary, Okada teaches that the user can define the order or sequence of each section of a particular object to be played back from the disc but does not disclose or suggest that the user can select *any access point* within the stream of digital data and then begin playback from that particular user-defined access point.

In view of the above, it is respectfully submitted that the Okada reference does not anticipate the invention as recited in amended independent claim 1. Accordingly, it is respectfully submitted that amended claim 1 and the claims that depend therefrom are clearly patentable over the Okada reference.

#### **Amended Claims 9-11 are Patentable over Okada**

Amended independent claim 9 recites a data recording method for recording and playing a stream of digital data. The data recording method of claim 9 includes the generating of management information, wherein the management information includes the same detection data, time information, first entry point, and second entry point as recited in amended claim 1 (see discussion above).

For the same reasons discussed above, it is respectfully submitted that the Okada reference does not anticipate the invention as recited in amended independent claim 9. Accordingly, it is respectfully submitted that amended claim 9 and the claims that depend therefrom are clearly patentable over the Okada reference.

### **Amended Claims 12-14 are Patentable over Okada**

Amended independent claim 12 recites a computer-readable recording medium for storing a data recording program for recording and playing a stream of digital data. The data recording program of claim 12 is operable to generate management information, wherein the management information includes the same detection data, time information, first entry point, and second entry point as recited in amended claim 1 (see discussion above).

For the same reasons discussed above, it is respectfully submitted that the Okada reference does not anticipate the invention as recited in amended independent claim 12. Accordingly, it is respectfully submitted that amended claim 12 and the claims that depend therefrom are clearly patentable over the Okada reference.

### **Amended Claims 1-8 are Patentable over Tsuga**

The features of amended independent claim 1 are discussed above.

In contrast to the present invention as recited in amended claim 1, Tsuga teaches a multimedia optical disc which conforms to the motion picture rating systems in a variety of countries and a reproducing device for said disc. In particular, Tsuga teaches that eight level IDs (L1-L8) are used to conform to the motion picture rating systems (see Fig. 8A, col. 12, line 47), wherein L1 is the most restricted level and L8 is the least restricted (see col. 12, lines 48-49). For example, referring to Fig. 8A, the level IDs of program chain (PCG) attributes #2, #3, and #4 are L2, L5, and L8, respectively. From the available PGC's in block 1, the reproduction device reproduces only the PGC whose level ID corresponds to or is less restrictive than the reproduction level selected by the user (see col. 12, lines 49-54). Accordingly, Fig. 8A teaches that three versions of a film can be reproduced according to the level ID selected by the user (see col. 12, line 60 - col. 13, line 3).

Based on the above discussion, Tsuga teaches that data can be played back according to a user's selection of a restriction level. Based on the user's selection, a particular version of the film will be reproduced. However, Tsuga does not disclose or suggest a second entry point, which represents a user-defined access point selected from *any access point* within the stream of encoded digital data, wherein the second entry point is defined based on the user input by which

the user selects a user-defined access point from any point within the stream of encoded digital data and based on the playback path of the stream of encoded digital data.

In view of the above, it is respectfully submitted that the Tsuga reference does not anticipate the invention as recited in amended independent claim 1. Accordingly, it is respectfully submitted that amended claim 1 and the claims that depend therefrom are clearly patentable over the Tsuga reference.

#### **Amended Claims 9-11 are Patentable over Tsuga**

The features of amended independent claim 9 are discussed above.

For the same reasons discussed above, it is respectfully submitted that the Tsuga reference does not anticipate the invention as recited in amended independent claim 9. Accordingly, it is respectfully submitted that amended claim 9 and the claims that depend therefrom are clearly patentable over the Tsuga reference.

#### **Amended Claims 12-14 are Patentable over Tsuga**

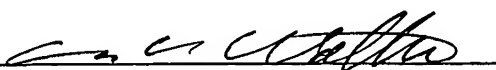
The features of amended independent claim 12 are discussed above.

For the same reasons discussed above, it is respectfully submitted that the Tsuga reference does not anticipate the invention as recited in amended independent claim 9. Accordingly, it is respectfully submitted that amended claim 9 and the claims that depend therefrom are clearly patentable over the Tsuga reference.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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